

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SPV OSUS LTD.,

Plaintiff,

-against-

HSBC HOLDINGS PLC, HSBC BANK PLC,  
HSBC BANK USA, NA, HSBC USA INC.,  
HSBC SECURITIES SERVICES  
(BERMUDA) LIMITED, HSBC  
INSTITUTIONAL TRUST SERVICES  
(BERMUDA) LIMITED, HSBC BANK  
BERMUDA LIMITED, HSBC SECURITIES  
SERVICES (LUXEMBOURG) S.A., HSBC  
BANK (CAYMAN) LIMITED, HSBC  
PRIVATE BANKING HOLDINGS (SUISSE)  
S.A., HSBC PRIVATE BANK (SUISSE) S.A.,  
HSBC FUND SERVICES (LUXEMBOURG)  
S.A., SONIA KOHN, MARIO BENBASSAT,  
ALBERTO BENBASSAT, STEHPANE  
BENBASSAT, 20:20 MEDICI AG,  
UNICREDIT BANK AUSTRIA AG, BA  
WORLDWIDE FUND MANAGEMENT  
LTD., UNICREDIT S.P.A., HERALD ASSET  
MANAGEMENT LIMITED, EUROVALEUR,  
INC., PIONEER ALTERNATIVE  
INVESTMENT MANAGEMENT LIMITED,  
ALPHA PRIME ASSET MANAGEMENT  
LTD., REGULUS ASSET MANAGEMENT  
LIMITED, CARRUBA ASSET  
MANAGEMENT LIMITED, TEREIO TRUST  
COMPANY LIMITED, GENEVALOR,  
BENBASSAT ET CIE, HERMES ASSET  
MANAGEMENT LIMITED, THEMA ASSET  
MANAGEMENT (BERMUDA) LTD.,  
THEMA ASSET MANAGEMENT LIMITED,  
EQUUS ASSET MANAGEMENT LIMITED,  
EQUUS ASSET MANAGEMENT  
PARTNERS, L.P., AURELIA FUND  
MANAGEMENT LIMITED, INTER ASSET  
MANAGEMENT  
INC., T+M TRUSTEESHIP &  
MANAGEMENT SERVICES S.A., GTM  
MANAGEMENT SERVICES CORP. N.V.,  
AURELIA ASSET MANAGEMENT

Case No. 18 Civ. 3497

PARTNERS, CAPE INVESTMENT :  
ADVISORS LIMITED and ERWIN KOHN, :  
Defendants. :  
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**SECOND STIPULATED BRIEFING SCHEDULE**

WHEREAS, on December 11, 2014, Plaintiff SPV OSUS Ltd. (“SPV”) filed a Summons and Complaint in the Supreme Court of the State of New York, County of New York, captioned *SPV OSUS Ltd. v. HSBC Holdings plc, et al.*, Index No. 162259/2014 (the “Action”);

WHEREAS, on March 28, 2018, SPV filed an amended complaint, which, among other things, added HSBC USA Inc. (“HUSI”) as a defendant;

WHEREAS, on March 29, 2018, SPV filed a corrected amended complaint, which solely corrected certain errors in the caption of the amended complaint (the “Amended Complaint”);

WHEREAS, on April 20, 2018, HUSI removed the Action to this Court (the “Removal Date”);

WHEREAS, on April 25, 2018, the Court entered a stipulated briefing schedule on Defendants’ motion to dismiss the Amended Complaint, which set certain time and page limitations for consolidated and supplemental individual briefing on the same (the “Stipulated Briefing Schedule”);

WHEREAS, on July 5, 2018, pursuant to the Stipulated Briefing Schedule, Defendants moved to dismiss the Amended Complaint and filed a consolidated brief (ECF No. 46) and certain supplemental individual briefs (ECF Nos. 49-54);

WHEREAS, on July 24, 2018, the Court entered an order permitting Plaintiff to file a further amended complaint;

WHEREAS, on August 15, 2018, Plaintiff filed its amended complaint pursuant to the Court’s order of July 24, 2018 (“Operative Amended Complaint”);

WHEREAS, the parties have met and conferred regarding a briefing schedule for Defendants' motion to dismiss the Operative Amended Complaint;

WHEREAS, in light of the numerous Defendants involved in this case, and in the interest of reducing the burden on the Court, the parties have agreed to a second consolidated briefing schedule;

NOW, THEREFORE, it is hereby stipulated and agreed (this "Stipulation"),<sup>1</sup> subject to the approval of the Court, as follows:

1. On or before September 21, 2018, Defendants shall file an amended consolidated memorandum of law in support of their motion to dismiss the Operative Amended Complaint (the "Consolidated Motion to Dismiss"). The Consolidated Motion to Dismiss shall not exceed fifty (50) pages in length.

2. On or before the date on which Defendants file the Consolidated Motion to Dismiss, any Defendant or group of Defendants may file an amended supplemental memorandum of law that raises additional or different grounds or arguments for dismissal that are specific to the particular Defendant or group of Defendants and have not otherwise been raised in the Consolidated Motion to Dismiss (each, an "Individual Supplemental Brief"). Each Individual Supplemental Brief shall not exceed ten (10) pages in length; provided, however, that if two or more Defendants join in one Individual Supplemental Brief, such Individual Supplemental Brief shall not exceed fifteen (15) pages in length.

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<sup>1</sup> Plaintiff and Defendants otherwise reserve any and all of their respective rights and objections, including, without limitation, Defendants' right to object to jurisdiction, venue and service of process.

3. On or before the date that is 60 days from the date on which Defendants file the Consolidated Motion to Dismiss, Plaintiff shall file a consolidated memorandum of law in opposition to the Consolidated Motion to Dismiss (the “Opposition Brief”). The Opposition Brief shall not exceed fifty (50) pages in length.

4. On or before the date on which Plaintiff files the Opposition Brief, Plaintiff shall file a supplemental memorandum of law in opposition to each Individual Supplemental Brief (each, an “Individual Opposition Brief”). The Individual Opposition Briefs shall not exceed ten (10) pages in length; provided, however, that if two or more Defendants joined an Individual Supplemental Brief to which an Individual Opposition Brief responds, such Individual Opposition Brief shall not exceed fifteen (15) pages in length.

5. On or before the date that is 30 days after the date on which Plaintiff file the Opposition Brief, Defendants shall file a consolidated reply memorandum of law in further support of the Consolidated Motion to Dismiss (the “Consolidated Reply Brief”). The Consolidated Reply Brief shall not exceed twenty-five (25) pages in length.

6. On or before the date on which Defendants file the Consolidated Reply Brief, any Defendant or group of Defendants that filed an Individual Supplemental Brief may file a supplemental reply memorandum of law that raises arguments in reply that are specific to the particular Defendant or group of Defendants and have not been otherwise raised in the Consolidated Reply Brief (each, an “Individual Reply Brief”). Each Individual Reply Brief shall not exceed five (5) pages in length; provided, however, that if two or more Defendants join together in a single Individual Reply Brief, such Individual Reply Brief shall not exceed ten (10) pages in length.

Dated: August 23, 2018

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IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE